

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>EASTSIDE HOLDING INC., <i>Individually and On Behalf of all others similarly situated,</i></p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>THE BEAR STEARNS CO., INC., JAMES E. CAYNE, ALAN D. SCHWARTZ, WARREN J. SPECTOR, SAMUEL L. MOLINARO, JR., and ALAN C. GREENBERG,</p> <p style="text-align: center;">Defendants.</p>	<p><b>CASE #: 1:08-cv-02793-RWS</b></p>
<p>RAZILL C. BECHER, <i>Individually and on Behalf of all others similarly situated,</i></p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>THE BEAR STEARNS CO., INC., JAMES E. CAYNE, ALAN D. SCHWARTZ, WARREN J. SPECTOR, SAMUEL L. MOLINARO, JR., and ALAN C. GREENBERG,</p> <p style="text-align: center;">Defendants.</p>	<p><b>CASE #: 1:08-cv-02866-RWS</b></p>

**NOTICE OF MOTION OF COMMONWEALTH OF MASSACHUSETTS PENSION  
RESERVES INVESTMENT TRUST FUND FOR CONSOLIDATION, APPOINTMENT  
AS LEAD PLAINTIFF, AND APPROVAL OF ITS CHOICE OF LEAD COUNSEL**

**PLEASE TAKE NOTICE** that class member Commonwealth of Massachusetts Pension Reserves Investment Trust Fund ("Massachusetts") hereby moves this Court pursuant to Fed. R. Civ. P. 42(c) and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, at the United States District Court for the Southern District of New York, before the Honorable Robert W. Sweet, located at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an Order: (a) consolidating all of the above actions into one action for all purposes; (b) appointing Massachusetts to serve as lead plaintiff; and (c) approving Massachusetts's selection of counsel for the class.

In support of its motion, Massachusetts submits: (a) the Declaration of Joseph R. Seidman, Jr., dated May 16, 2008, and annexed exhibits; (b) a Memorandum of Law, dated May 16, 2008; and (c) a Proposed Order granting Massachusetts' motion for consolidation, appointment as lead plaintiff, and approval of its selection of lead counsel for the class.

Dated: May 16, 2008

Respectfully submitted,

**BERNSTEIN LIEBHARD & LIFSHITZ, LLP**

/s/

---

Sandy A. Liebhard (SL-0835)  
Joseph R. Seidman, Jr. (JS-9260)  
10 East 40<sup>th</sup> Street, 22<sup>nd</sup> Floor  
New York, NY 10016  
Tel: (212) 779-1414

*Counsel for Massachusetts and Proposed  
Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>EASTSIDE HOLDING INC., <i>Individually and On Behalf of all others similarly situated</i>,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>THE BEAR STEARNS CO., INC., JAMES E. CAYNE, ALAN D. SCHWARTZ, WARREN J. SPECTOR, SAMUEL L. MOLINARO, JR., and ALAN C. GREENBERG,</p> <p style="text-align: center;">Defendants.</p>	<p><b>CASE #: 1:08-cv-02793-RWS</b></p>
<p>RAZILL C. BECHER, <i>Individually and on Behalf of all others similarly situated</i>,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>THE BEAR STEARNS CO., INC., JAMES E. CAYNE, ALAN D. SCHWARTZ, WARREN J. SPECTOR, SAMUEL L. MOLINARO, JR., and ALAN C. GREENBERG,</p> <p style="text-align: center;">Defendants.</p>	<p><b>CASE #: 1:08-cv-02866-RWS</b></p>

**[PROPOSED] ORDER CONSOLIDATING  
ACTIONS, APPOINTING COMMONWEALTH OF  
MASSACHUSETTS PENSION RESERVES INVESTMENT TRUST FUND  
AS LEAD PLAINTIFF, AND APPROVING ITS SELECTION OF LEAD COUNSEL**

Having considered the Motion of Commonwealth of Massachusetts Pension Reserves Investment Trust Fund ("Massachusetts") to consolidate actions, be appointed as lead plaintiff, and for approval of selection of lead counsel, the memorandum of law and declaration in support thereof, and good cause appearing,

IT IS HEREBY ORDERED THAT:

1. The captioned actions are consolidated for all purposes (the "Consolidated Action"). This order (the "Order") shall apply to the Consolidated Action and to each case that relates to the same subject matter that is subsequently filed in this Court or is transferred to this Court and is consolidated with the Consolidated Action.
2. A Master File is established for this proceeding. The Master File shall be Civil Action No.: 08-CV-2793 (RWS). The Clerk shall file all pleadings in the Master File and note such filings on the Master Docket.
3. An original of this Order shall be filed by the Clerk in the Master File.
4. The Clerk shall mail a copy of this Order to counsel of record in the Consolidated Action.
5. Every pleading filed in the Consolidated Action shall have the following caption:

---

IN RE THE BEAR STEARNS COMPANIES INC. Civ No. 08-CV-2793 (RWS)  
SECURITIES LITIGATION

---

6. The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the

Consolidated Action.

7. When a case that arises out of the same subject matter of the Consolidated Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall

- a. File a copy of this Order in the separate file for such action;
- b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and
- c. Make the appropriate entry in the Master Docket for the Consolidated Action.

8. Each new case that arises out of the subject matter of the Consolidated Action, which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of Defendants' right to object to consolidation of any subsequently-filed or transferred related action.

9. Massachusetts is appointed to serve as lead plaintiff in the captioned actions and any related action subsequently transferred to or filed in this Court, pursuant to Section 21D(a)(3)(B), 15 U.S.C. § 78u-4 of the Securities Exchange Act of 1934.

10. The law firm of Bernstein Liebhard & Lifshitz, LLP is hereby appointed lead counsel for the Class. Lead counsel shall provide general supervision of the activities of

plaintiffs' counsel and shall ensure that all work performed by plaintiffs' counsel is neither duplicative nor unproductive. Lead counsel shall have the following responsibilities and duties to perform or delegate as appropriate to:

- a. brief and argue motions;
- b. initiate and conduct discovery, including, without limitation, coordination of discovery with defendants' counsel, the preparation of written interrogatories, requests for admissions, and requests for production of documents;
- c. direct and coordinate the examination of witnesses in depositions;
- d. act as spokesperson at pretrial conferences;
- e. call and chair meetings of plaintiffs' counsel as appropriate or necessary from time to time;
- f. initiate and conduct any settlement negotiations with counsel for defendants;
- g. provide general coordination of the activities of plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
- h. consult with and employ experts;
- i. collect time reports of all attorneys on behalf of plaintiffs and to determine if the time is being spent appropriately and for the benefit of plaintiffs; and
- j. perform such other duties as may be expressly authorized by further order

of this Court.

11. Massachusetts shall cause a Consolidated Amended Complaint to be filed with the Court and served on defendants' counsel within sixty (60) days of the date of entry of the Order.

12. Defendants shall have no obligation to file any answer or otherwise responsive papers to any of the pending individual complaints hereby consolidated other than the Consolidated Complaint.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
United States District Court Judge